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C O N F I D E N T I A L BAGHDAD 004979

SIPDIS

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TAGS: [PNAT](#) [PGOV](#) [PTER](#) [KDEM](#) [IZ](#)

SUBJECT: IECI STANDS UP TO DE-BA'ATHIFICATION COMMISSION

REF: A. BAGHDAD 4870

[1](#)B. BAGHDAD 4857

[1](#)C. BAGHDAD 4626

Classified By: CLASSIFIED BY POLITICAL COUNSELOR ROBERT FORD FOR REASON
S 1.4 (B) AND (D).

[1](#)1. (C) Summary. In a press release distributed December 11, the IECI stated that it would not follow the recommendation of the National De-Ba'athification Commission (NDC) to disqualify any election candidates, citing the lack of evidence to substantiate the complaint being made. On December 12, Jwad al-Maliki, Deputy Chairman of the De-Ba'athification Commission and prominent member of the Da'wa Party visited the IECI Board of Directors with members of the De-Ba'athification Commission in tow to complain about this decision. During this contentious meeting, the Commissioners held their ground and refused to change their decision. End Summary.

[1](#)2. (C) International Commissioner Craig Jenness explained to PolOff that al-Maliki came over to meet with the IECI Commissioners on December 12 noting that he was authorized by the De-Ba'athification Commission to speak out against the recent IECI statement. During this meeting, al-Maliki threatened the IECI Board of Directors by saying that he would go public to denounce the IECI for failing to comply with the applicable De-Ba'athification laws. According to Jenness, the IECI Board did not respond favorably to this threat and held its ground. (Comment: on December 13 Jwad al-Maliki appeared prime time on pro-SCIRI al-Furat TV complaining of the IECI decision and warning viewers of the return of a "new Baath Party" in the elections. End Comment.)

[1](#)3. (C) Jenness told PolOff that he found this type of meeting disturbing, taking into account that a major political party member called on the IECI as a ranking member of a NDC delegation for the purpose of challenging IECI policy. Jenness also said he considered this visit ironic given Chalabi's stance on de-Ba'athification and his apparent agreement with the IECI's decision on this topic.

[1](#)4. (C) Later that day, IECI Chairman Izadin Al-Mohammady told PolOffs that the IECI Board strongly argued against NDC representatives by explaining that the IECI would not simply rely on a list of names on paper without any documentation. The Chairman declared that it was against the law to simply take an accusation at face value without any evidence. Al-Mohammady, who during the course of the discussion became visibly agitated, continued by saying that IECI Board members want to uphold a transparent process and not be associated with any political entity. Although the NDC claims it is unbiased, al-Mohammady said, this is cannot be true given that its members are candidates themselves.

[1](#)5. (C) The IECI told the De-Ba'athification Commission that they could appeal the decision to the Supreme Court, if need be, and that any council member-elect later proven to be covered by the De-Ba'athification law could be disqualified at such time. Al-Mohammady told PolOffs that the IECI would have to release another De-Ba'athification statement in preparation for the press conference that the Commission said it would hold on December 12 to complain about the IECI.

[1](#)6. (C) Comment. After much back and forth about a final course of action, the IECI has decided to take a strong stand towards the NDC. This decision, which has taken weeks to reach, has strengthened the independent status of the IECI. The IECI decision will strengthen the credibility of the election in the eyes of supporters of former PM Ayed Allawi, who had complained of the de-Baath commission's interference. It will also have some resonance among Sunni Arab areas, but it could also trigger greater support for the Shia Islamist list from alarmed voters in predominantly Shia regions. End Comment.
KHALILZAD